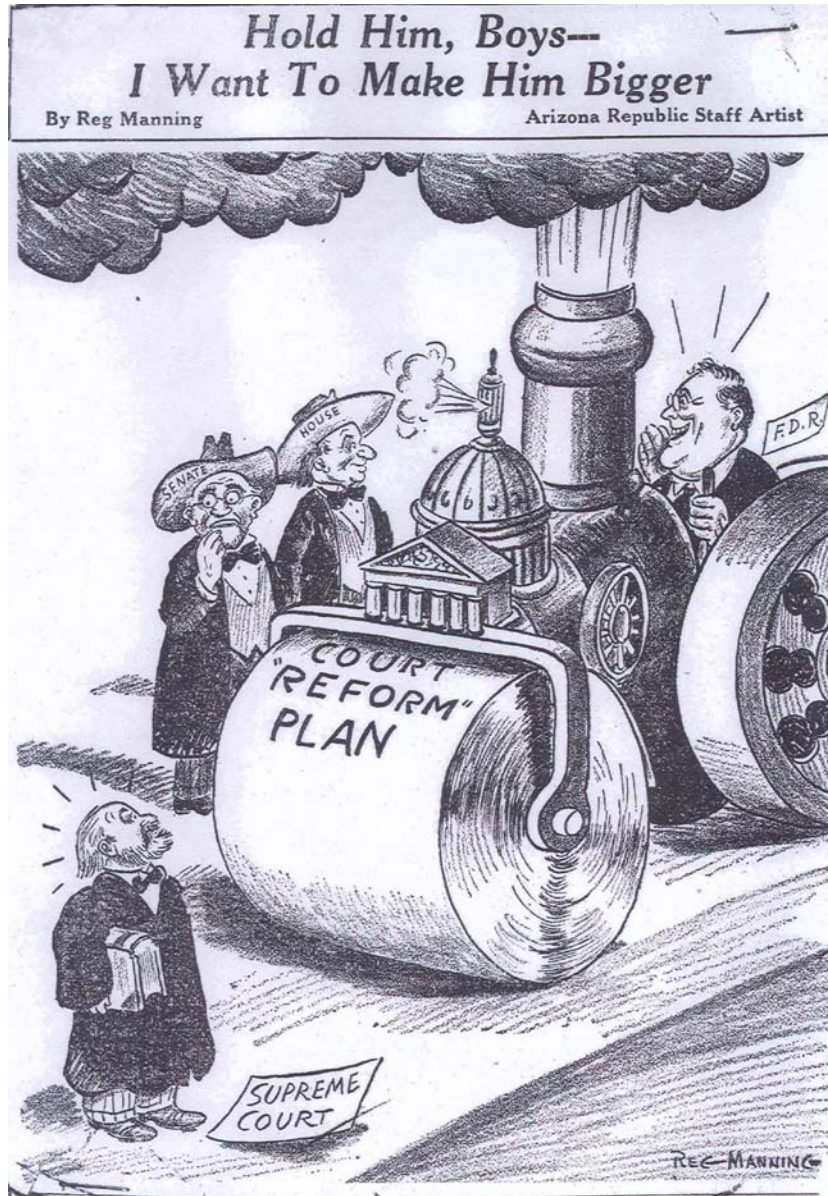




Curriculum Guide

The Presidency and the Supreme Court

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The Presidency and the Supreme Court

Related Documents:
List of New Deal Cases Decided by the Supreme Court



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List of New Deal Cases Decided by the Supreme Court

March 1, 1937

NEW DEAL CASES DECIDED BY THE SUPREME COURT

1. **"HOT OIL" STATUTE.** Panama Refining Co. v. Ryan, 293 U. S. 388. Held invalid, on the ground of delegation of power, Section 9(c) of the National Industrial Recovery Act, authorizing the President to prohibit the interstate transportation of oil produced in excess of state-fixed quotas. Opinion by the Chief Justice. Dissenting opinion by Cardozo, J.
2. **GOLD CLAUSE CASES.** Norman v. Baltimore & Ohio Railroad Co., 294 U. S. 240. Held valid the Joint Resolution of June 5, 1933, abrogating gold clauses, as applied to obligations issued by private parties. Opinion by the Chief Justice. Dissenting opinion by McReynolds, J., in which Van Devanter, Sutherland and Butler, JJ., joined.
Nortz v. United States, 294 U. S. 317. Held that the orders and regulations pursuant to the Emergency Banking Act of 1933, requisitioning gold certificates in exchange for legal tender currency of equivalent face amount, were valid. Opinion by the Chief Justice. Dissent as in the Norman case, SHORA.
Ferry v. United States, 294 U. S. 330. Held that the Joint Resolution of June 5, 1933, was invalid in its application to Government bonds, but that the holders of such bonds were not entitled to recover in the Court of Claims more than the face amount thereof. Opinion by the Chief Justice. Separate concurring opinion by Stone, J. Dissent as in the two preceding cases.
Holyoke Water Power Co. v. American Writing Paper Co., decided March 1, 1937. Held that the Joint Resolution is applicable to money contracts payable in gold bullion as well as to contracts payable in gold coin. Opinion by Cardozo, J. Sutherland, Van Devanter, McReynolds and Butler, JJ., dissented without opinion.
3. **RAILROAD RETIREMENT ACT.** Railroad Retirement Board v. Alton Railroad Co., 295 U. S. 330. Held invalid, under the commerce and due process clauses of the Constitution, a statute providing for pensions for superannuated railroad employees. Opinion by Roberts, J. Dissenting opinion by the Chief Justice, in which Brandeis, Stone and Cardozo, JJ., joined.



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4. N. R. A. United States v. Schechter Poultry Corp., 295 U. S. 495. Held the code-making provisions of the N. I. R. A. invalid on the ground of delegation of power and also, as applied to the poultry dealers involved in the case, on the ground of lack of power under the commerce clause. Opinion by the Chief Justice. Separate concurring opinion by Cardozo, J., in which Stone, J., joined. No dissent.
5. A. A. A. United States v. Butler, 297 U. S. 1. Held invalid the Agricultural Adjustment Act on the ground that it regulated matters reserved to the States by the Tenth Amendment. Opinion by Roberts, J. Dissenting opinion by Stone, J., in which Brandeis and Cardozo, JJ., joined.
Rickert Rice Mills v. Fontenot, 297 U. S. 110. Held, on the authority of the Butler case, *supra*, that A. A. A. taxes paid into court should be returned to the taxpayer and the collector enjoined from making collection. Opinion by Roberts, J. No dissent.
6. T. V. A. Ashwander v. Tennessee Valley Authority, 297 U. S. 288. Held valid the Tennessee Valley Authority Act as applied to the sale of power produced at Wilson Dam. Opinion by the Chief Justice. Separate concurring opinion by Brandeis, J., in which Stone, Roberts and Cardozo, JJ., joined, to the effect that the complaining stockholder had no standing to challenge the transaction. Dissenting opinion by McReynolds, J.
7. SECURITIES ACT OF 1933. Jones v. Securities and Exchange Commission, 298 U. S. 1. Held that the Commission had improperly refused to permit the withdrawal of the registration statement and therefore had no power to continue with a stop order proceeding. The validity of the statute was not passed upon. Opinion by Sutherland, J. Dissenting opinion by Cardozo, J., in which Brandeis and Stone, JJ., joined.
8. BITUMINOUS COAL CONSERVATION ACT OF 1935 (Guffey Act). Carter v. Carter Coal Co., 298 U. S. 238. Held that Congress is without power under the commerce clause to subject the producers of bituminous coal to the regulation of wages and hours of employees. The price provisions were not passed upon. Opinion by Sutherland, J. Dissenting opinion by the Chief Justice, to the effect that the price provisions are valid and hence adherence to a code may be required. Separate dissenting opinion by Cardozo, J., in which Brandeis and Stone, JJ., joined, agreeing with the Chief Justice and adding that the wage and hour provisions were prematurely attacked.



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9. **ARMS EMBARGO.** United States v. Curtiss-Wright Export Corporation, decided December 21, 1936. Held valid the Joint Resolution of May 28, 1934, and the Presidential Proclamation pursuant thereto prohibiting the export of arms to nations engaged in armed conflict in the Chaco. Opinion by Sutherland, J. McReynolds, J., dissented without opinion.

OTHER SUPREME COURT DECISIONS INVOLVING IMPORTANT CONGRESSIONAL AND EXECUTIVE ACTION SINCE MARCH 4, 1933.

1. **PRESIDENT'S REMOVAL POWER.** Humphrey's Executor v. United States, 295 U. S. 602. Held invalid, on the ground of separation of powers, the President's removal of a member of the Federal Trade Commission on grounds not specified in the Federal Trade Commission Act. Opinion by Sutherland, J. No dissent.
2. **FRAZIER-LEMKE ACT.** Louisville Joint Stock Land Bank v. Radford, 295 U. S. 555. Held invalid, on the ground of arbitrary interference with the rights of mortgagees, the farm bankruptcy act. Opinion by Brandeis, J. No dissent.
3. **MUNICIPAL BANKRUPTCY ACT.** Ashton v. Cameron County Water Improvement District, 298 U. S. 513. Held invalid, on the ground of invasion of powers reserved to the States, the municipal bankruptcy act. Opinion by McReynolds, J. Dissenting opinion by Cardozo, J., in which the Chief Justice, Brandeis and Stone, JJ., joined.
4. **ASHURST-SUMNERS CONVICT-MADE GOODS ACT.** Kentucky Whip & Collar Co. v. Illinois Central Railroad Co., decided January 4, 1937. Held valid the Act prohibiting the interstate transportation of convict-made goods into States where the sale of such goods is unlawful. Opinion by the Chief Justice. No dissent.
5. **TRANSFER OF SHIPPING BOARD FUNCTIONS.** Isbrandtsen-Moller Co. v. United States, decided February 1, 1937. Held that the transfer of the functions of the Shipping Board to the Secretary of Commerce by Executive Order was effective, in view of subsequent ratification of such transfer by the Merchant Marine Act of 1936. The Court found it unnecessary to consider the validity of the transfer under the original Order alone. Opinion by Roberts, J. No dissent.